

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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BD DEVELOPMENT, LLC,

Plaintiff,

Case No.: 2:14-cv-4876 (JS) (AKT)

-against-

**LOCAL 79, LABORERS INTERNATIONAL
UNION OF NORTH AMERICA,**

Defendant.
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**DECLARATION OF EMANUEL KATAEV, ESQ. IN
OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

EMANUEL KATAEV, ESQ., declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am admitted to practice before this Court and I am an associate of Milman Labuda Law Group, PLLC, attorneys for Plaintiff in this action.
2. I respectfully submit this Declaration in opposition to Defendant Local 79, Laborers International Union of North America’s motion for summary judgment (“Motion”), and to supply this Court with exhibits relevant to its determination of the Motion.
3. Attached hereto as **Exhibit A** is a true and correct copy of e-mail correspondence from Domenico Flavoni of BD Development LLC (hereinafter “BD”) to Edward Chang of Mount Sinai Health System, Inc. dated February 24, 2014.
4. Attached hereto as **Exhibit B** is a true and correct copy of e-mail correspondence from Christie Johnson of Linear Contracting Inc. to, among others, Kenneth Ross of BD dated August 19, 2014.

Dated: Lake Success, New York
March 1, 2017

/s
EMANUEL KATAEV